

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ROGER C. FOUNTAIN,

Plaintiff,

V.

CITY OF PLANO POLICE
DEPARTMENT, ET AL.,

Defendant.

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CASE NO. 4:12cv26
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 13, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Rule 12(b)(6) Motion to Dismiss [Doc. #22] be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Defendants' Rule 12(b)(6) Motion to Dismiss [Doc. #22] is granted, and this case is DISMISSED with prejudice.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So **ORDERED** and **SIGNED** on February 14, 2013.

A handwritten signature in black ink that reads "Ron Clark". The signature is written in a cursive, slightly stylized font.

Ron Clark
United States District Judge